

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO: 09-324</b>
<b>v.</b>	*	<b>SECTION: "A"</b>
<b>LEONARD DELAUNE</b>	*	<b>VIOLATION: 18 U.S.C. § 2252(a)(4)(B)</b>
	*	<b>18 U.S.C. § 2253</b>
	*	
*   *   *		

**FACTUAL BASIS**

Should this matter proceed to trial, both the government and the defendant, **LEONARD DELAUNE**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The government would show that at all times mentioned in the Bill of Information, the defendant, **LEONARD DELAUNE**, was a resident of the Eastern District of Louisiana, living in Houma, Louisiana.

The government would present evidence and testimony that in 2007 Immigration and Customs Enforcement (ICE) agents received information that **LEONARD DELAUNE** had purchased access to child pornography websites. On April 3, 2008, ICE agents located **DELAUNE** in Houma, Louisiana at his Louise Street residence. **DELAUNE** voluntarily provided ICE agents

with written consent to search his residence and allowed agents to seize evidence from his residence. Agents would testify that they recovered computers, hard drives, and other computer media from the defendant's Houma residence.

The government would establish through testimony and documentary evidence that **DELAUNE** knowingly used his computer to search for, download, and save images of child pornography. Further, the evidence and testimony would establish that a computer forensic search of **DELAUNE**'s seized computers and related evidence revealed approximately 700 images and 60 videos depicting the sexual victimization of children.

Further, the government would introduce post-*Miranda* statements wherein **DELAUNE** voluntarily admitted to federal agents that he knowingly downloaded images of child pornography to his computer. According to **DELAUNE**, he used the file sharing peer-to-peer program Kazaa to download and save child pornography to his computer. **DELAUNE** said he used a PayPal account to purchase access to child pornography websites.

Forensic evidence consisting of medical testimony, law enforcement officers, and supporting documentation would establish that some of the child victims depicted in the images possessed by **DELAUNE** were of real, identifiable victims, less than the age of eighteen (18) at the time the child pornography was created.

Testimony would establish that some of the child victims depicted in the materials possessed by **DELAUNE** were of prepubescent children less than 18 years of age; to wit: less than twelve (12) years old and that the images of the child victims were engaged in "sexually explicit conduct" as defined in Title 18, United States Code, Section 2256. These images included pictures of adult males vaginally and/or anally penetrating minor victims and minors performing oral sex on adults.

All of the images and videos of child pornography possessed by the defendant, would be introduced through the testimony of ICE agents.

Further, the government would present evidence that would establish that the images of child pornography had been transported in interstate and foreign commerce via computer.

Further, the government would show through testimony and documentary evidence that the equipment used by the defendant to acquire the child pornography was transported in interstate or foreign commerce.

---

LEONARD DELAUNE  
Defendant

---

DATE

---

GARY SCHWABE  
Counsel for Defendant

---

DATE

---

BRIAN M. KLEBBA  
Assistant United States Attorney

---

DATE